

## **EXHIBIT E**

Page 1 of 7

Paul Piperato, County Clerk  
1 South Main St Ste 100  
New City, NY 10956  
(845) 638-5221

### Rockland County Clerk Recording Cover Sheet

Received From :  
AFFILIATED ABSTRACT LLC  
119 SOUTH 3RD STREET  
BROOKLYN, NY 11211

Return To :  
LYNDA DEBELL  
NEW YORK BUSINESS DEVELOPMENT CORP  
60 BEAVER STREET  
ALBANY, NY 12207

**First GRANTOR**

152 BROADWAY HAVERSTRAW NY LLC

**First GRANTEE**

EMPIRE STATE CERTIFIED DEVELOPMENT CORP

Index Type : Land Records

Instr Number : 2009-00035291

Book : Page :

Type of Instrument : Mortgage

Type of Transaction : Mtg Type D-3

Recording Fee : \$160.00

Recording Pages : 26

The Property affected by this instrument is situated in Haverstraw, in the  
County of Rockland, New York

**Mortgage Taxes**

Property Located : Haverstraw

Serial Number : DA4889

Mortgage Amount : \$0.00

Basic Tax : \$0.00

Local Tax : \$0.00

Additional Tax : \$0.00

Transportation Auth Tax : \$0.00

SONYMA : \$0.00

County Tax : \$0.00

Total : \$0.00

Total Fees : \$160.00

State of New York

County of Rockland

I hereby certify that the within and foregoing was  
recorded in the Clerk's office for Rockland County,  
New York

On (Recorded Date) : 09/29/2009

At (Recorded Time) : 4:17:07 PM



Doc ID - 019780360026

Paul Piperato, County Clerk



This sheet constitutes the Clerk's endorsement required by Section 319 of Real Property Law of the State of New York

Entered By: PM Printed On : 10/08/2009 At : 4:18:18PM

File Number: 2009-00035291 Seq: 1

Page 2 of 7

**Record & Return to:**  
**Lynda DeBell**  
**New York Business Development Corporation**  
**50 Beaver Street**  
**Albany, New York 12207**

**SBA Loan No.: 36203550-07**

**MORTGAGE AND SECURITY AGREEMENT**  
**(with Assignment of Leases and Rents)**

THIS MORTGAGE AND SECURITY AGREEMENT with Assignment of Leases and Rents (hereinafter referred to as the "Agreement" or the "Mortgage"), dated September 17, 2009 is from:

**152 BROADWAY HAVERSTRAW NY LLC**, a limited liability company duly organized and existing in accordance with the laws of the State of New York, having its principal place of business located at 152 Broadway, Haverstraw, New York 10927 ("Borrower", "Mortgagor" or "Assignor" as the context so requires) to

**EMPIRE STATE CERTIFIED DEVELOPMENT CORPORATION**, a corporation duly formed and existing in accordance with the Not-For-Profit Corporation Law of the State of New York having its principal office at 50 Beaver Street (P.O. Box 738), Albany, New York 12201-0738 ("Mortgagee", "ESCDC" or "Assignee, as the context so requires).

**RECITALS:**

*ASSL*  
Borrower and ESCDC are parties to AUTHORIZATION FOR DEBENTURE GUARANTEE number 36203550-07 dated September 8, 2009 (the "Authorization", incorporated herein by reference) issued by the U.S. Small Business Administration (the "SBA") under its 504 Loan Program, pursuant to which Borrower is to receive certain funding for completion of the Project (as the same is therein defined), which Authorization, as the same maybe amended from time to time (the terminology of which shall be used herein).

As set forth in the Authorization NYBDC LOCAL DEVELOPMENT CORPORATION (as "Interim Lender") is to provide to the Borrower certain interim financing (the "Interim Loan"), the terms, provisions and conditions of which Interim Lender and Borrower have agreed in that certain commitment letter between them dated September 14, 2009 (the "Interim Loan Commitment", incorporated herein by reference), which Interim Loan the parties anticipate will be replaced by the funding of the 504 Loan as contemplated in the Authorization.

The Interim Loan Commitment provides that the Interim Lender shall have a collateral interest in the Project Property during the term of the Interim Loan, which collateral interest shall then inure to the benefit of the SBA, as guarantor of the Debenture, upon sale of the Debenture and funding of the 504 Loan.

ESCDC as originator of the 504 Loan and the Interim Lender as the funding source of the Interim Loan have by Participation Agreement dated on even date herewith (the "Participation Agreement", incorporated herein by reference) provided for the creation, administration and coordination of the collateral interests to be granted by the Borrower in and to the Project Property for the ultimate benefit of the SBA.

**WITNESSETH:**

**TO COLLATERALIZE:**

A. The repayment of an indebtedness in the principal sum not to exceed **TWO MILLION FOUR HUNDRED NINETY THREE THOUSAND and 00/100 DOLLARS (\$2,493,000.00)**, which sum is to be paid, together with interest thereon, in accordance with the terms, provisions and conditions of that certain Interim Loan Mortgage Note made by the Mortgagor in favor of the Mortgagee dated on even date

*P-3 H 22 +3*

Page 3 of 7

IN WITNESS WHEREOF, Mortgagor has caused this Mortgage to be duly executed the day and year first above written.

**MORTGAGOR/ASSIGNOR:**

**162 BROADWAY HAVERSTRAW NY LLC**

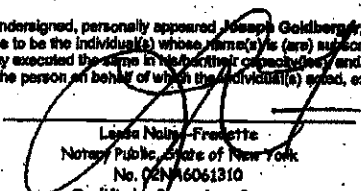
By:   
Joseph Goldberger, Member/Manager

State of New York

ss:

County of Rockland

On September 17, 2009 before me, the undersigned, personally appeared Joseph Goldberger, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies) and that by his/her/their signature(s) on the instrument, the individual(s), or the person on behalf of which the individual(s) acted, executed the instrument.

  
Linda Nolin-Frédette  
Notary Public, State of New York  
No. 02NH6061310  
Qualified in Rensselaer County  
Commission Expires July 15, 2011

**Schedule A Description**

Title Number AA-1001

Page 1

ALL that certain plot, piece or parcel of land, situate, lying and being in the Village of Haverstraw, County of Rockland and State of New York, being more particularly bounded and described as follows:

BEGINNING at a point on the northerly right of way line of Broadway, said point being located at the southwest corner of lands now or formerly Olori & Neuser (Tax Lot 27.37-1-1) and the southeast corner the hereinafter intended to be described parcel;

RUNNING THENCE along said northerly right of way line of Broadway the following four courses and distances:

North 69 degrees 24 feet, 21 inches west 238.65 feet;  
North 39 degrees 15 feet, 02 inches west, 164.13 feet;  
On a curve to the left having a radius of 220.02 feet, an arc length of 111.55 feet;  
North 68 degrees 17 feet 54 inches west, 102.91 feet;

RUNNING THENCE along the easterly, northerly and westerly line of lands now or formerly of Scaglione (Tax Lots 26.36-1-29, 26.36-1-28, 26.36-1-27 and 26.36-1-26) the following nine courses and distances:

North 22 degrees 15 feet 20 inches east, 60.47 feet,  
North 34 degrees 51 feet 20 inches west, 51.20 feet,  
North 72 degrees 20 feet 36 inches west, 37.20 feet,  
North 79 degrees 00 feet 46 inches west, 43.58 feet,  
South 79 degrees 15 feet 55 inches west, 7.50 feet,  
North 07 degrees 41 feet 46 inches east, 34.96 feet,  
South 70 degrees 20 feet 46 inches west, 49.01 feet,  
North 77 degrees 29 feet 21 inches west, 98.06 feet,  
South 03 degrees 07 feet 57 inches west, 85.30 feet,

RUNNING THENCE along the easterly right of way line of Samsondale Avenue the following eleven courses and distances:

North 54 degrees 53 feet 21 inches west, 28.99 feet,  
North 48 degrees 20 feet 24 inches west, 22.19 feet,  
North 48 degrees 22 feet 52 inches east, 4.88 feet,  
North 48 degrees 37 feet 06 inches west, 56.75 feet,  
North 40 degrees 01 feet 28 inches west, 76.44 feet,  
North 23 degrees 12 feet 29 inches west 60.89 feet,  
South 64 degrees 21 feet 20 inches west, 4.27 feet,

Continued On Next Page

Schedule A Description - continued

Title Number AA-1001

Page 2

North 12 degrees 42 feet 14 inches west, 93.33 feet,  
North 79 degrees 51 feet 04 inches east, 2.85 feet,  
North 13 degrees 32 feet 09 inches west, 15.71 feet,  
North 08 degrees 09 feet 17 inches west, 63.70 feet,

RUNNING THENCE along the lands or formerly of Orange & Rockland Utilities, Inc. (Tax Lot 26.08-2-39 and 27-05-1-2), the following seven courses and distances:

On a curve to the left having a radius of 450.00 feet, an arc length of 96.62 feet;  
North 77 degrees 50 feet 21 inches east 566.39 feet;  
On a curve to the right having a radius of 360.00 feet, an arc length of 180.31 feet;  
South 73 degrees 27 feet 49 inches east 57.01 feet;  
On a curve to the left having a radius of 300.00 feet, an arc length of 122.94 feet;  
North 83 degrees 03 feet 21 inches east, 43.33 feet;  
North 82 degrees 54 feet 51 inches east 211.86 feet;

RUNNING THENCE along the westerly and southerly line of Lot 2 the following ten (10) courses and distances:

South 08 degrees 35 feet 10 inches east, 199.63 feet;  
On a non-tangent curve to the right having a radius of 188.00 feet, an arc length of 162.23 feet with a chord bearing and distance of south 04 degrees 11 feet 55 inches west, 157.24 feet;  
South 61 degrees 05 feet 00 inches east, 20.22 feet;  
South 49 degrees 06 feet 00 inches west, 14.29 feet;  
South 40 degrees 54 feet 00 inches east, 157.39 feet;  
North 48 degrees 49 feet 05 inches east, 42.52 feet;  
North 09 degrees 49 feet 05 inches west, 105.55 feet;  
North 37 degrees 24 feet 10 inches east, 107.00 feet;  
North 81 degrees 22 feet 05 inches east, 113.29 feet;  
North 16 degrees 38 feet 10 inches east 143.53 feet;

RUNNING THENCE along the line of other lands now or formerly of Orange & Rockland Utilities, Inc. (Tax Lot 27.05-2-6) the following five (5) courses and distances:

1. South 45 degrees 00 feet 00 inches east, 161.00 feet;
2. South 44 degrees 24 feet 40 inches west, 38.06 feet;
3. South 07 degrees 57 feet 20 inches east, 58.25 feet;

Continued On Next Page

**Schedule A Description - continued**

Title Number AA-1001

Page 3

4. South 40 degrees 00 feet 56 inches east, 274.25 feet;
5. South 39 degrees 26 feet 35 inches west, 197.29 feet;

RUNNING THENCE along the northerly line of land now or formerly of the Village of Haverstraw (Tax Lot 27.37-1-32, 27.37-1-31, 27.37-1-30, 27.37-1-29, 27.37-1-28, 27.37-1-26) and the northerly line of lands now or formerly of Tor Avenue Realty Corp. (Tax Lot 27.37-1-4) the following two (2) courses and distances:

1. South 88 degrees 01 feet 30 inches west, 248.91 feet;
2. North 72 degrees 53 feet 00 inches west, 331.29 feet;

RUNNING THENCE along the westerly line of lands now or formerly of Tor Avenue Realty Corp. (Tax Lot 27.37-1-4) and Olori and Neuser (Tax Lot 27.37-1-1) the following three (3) courses and distances:

1. South 24 degrees 17 feet 07 inches west, 387.42 feet;
2. North 65 degrees 42 feet 53 inches west, 6.00 feet;
3. South 24 degrees 17 feet 07 inches west, 49.04 feet to the point or place of BEGINNING.

CONSISTING OF 924,693 square feet of land.

TOGETHER with an easement for ingress and egress over lands now or formerly of Orange & Rockland Utilities, Inc. (Tax Lots 26.08-2-39, 27.05-1-2-27.05-2-6) as recited in Liber 946, page 960.

Subject to the following easements:

- A. Right of way granted to Orange & Rockland Utilities, Inc. and New York Telephone Company as recited in Liber 1001, page 329.
- B. Sanitary Sewer Easement to the Joint Regional Sewerage Board as recited in Liber 982, Page 967.
- C. Easement to the Village of Haverstraw dated August 19, 1968.

Also, subject to a proposed utility easement to Admirals Cove Haverstraw, LLC (Tax Lot 27.05-2-1.1) further bounded and described as follows:

Continued On Next Page

**Schedule A Description - continued**

Title Number AA-1001

Page 4

BEGINNING at a point on the northerly right of way line of Broadway said point being distant North 89 degrees 24 feet 21 inches west, 163.48 feet as measured in a northwesterly direction along said northerly right of way line of Broadway, from a point on said northerly right of way line of Broadway located at the southwest corner of lands now or formerly of Olori & Neuser (Tax Lot 27.37-1-1);

RUNNING THENCE North 89 degrees 24 feet 21 inches west, 22.76 feet along said northerly right of way line of Broadway;

RUNNING THENCE thru Lot 1 the following five (5) courses and distances:

1. North 49 degrees 06 feet 00 inches east, 226.14 feet;
2. North 40 degrees 54 feet 00 inches west, 15.00 feet;
3. North 49 degrees 06 feet 00 inches east, 405.00 feet;
4. North 40 degrees 54 feet 00 inches west, 5.00 feet;
5. North 49 degrees 06 feet 00 inches east, 93.91 feet;

RUNNING THENCE along the westerly line of Lot 2 the following three (3) courses and distances:

1. On a non-tangent curve to the right having a radius of 188.00 feet, an arc length of 48.09 feet, with a chord bearing and distance of South 21 degrees 53 feet 47 inches west, 45.97 feet;
2. South 61 degrees 05 feet 00 inches east, 20.22 feet;
3. South 49 degrees 06 feet 00 inches west, 14.29 feet;

THENCE South 49 degrees 06 feet 00 inches west, 665.99 feet thru Lot 1 to the point or place of BEGINNING.

The attached mortgage covers real property improved  
--- by a one or two family dwelling only.

The attached mortgage covers real property principally  
improved or to be improved by one or more structures  
--- consisting in the aggregate not more than six  
residential dwelling units, each having their own  
separate parking facilities.

✓ The attached mortgage does not cover real property  
improved as described above.



Page 1 of 6

Paul Piperato, County Clerk  
1 South Main St Ste 100  
New City, NY 10956  
(845) 638-5221

### Rockland County Clerk Recording Cover Sheet

Received From :  
AFFILIATED ABSTRACT LLC  
119 SOUTH 3RD STREET  
BROOKLYN, NY 11211

Return To :  
LYNDA DEBELL  
NEW YORK BUSINESS DEVELOPMENT CORP  
50 BEAVER STREET  
ALBANY, NY 12207

**First GRANTOR**

EMPIRE STATE CERTIFIED DEVELOPMENT CORP

**First GRANTEE**

USA SMALL BUSINESS ADMINISTRATION

Index Type : Land Records

Instr Number : 2009-00035292

Orig Instr #: 2009-00035291

Book : Page :

Type of Instrument : Assignment Of Mortgage

Type of Transaction : A/Mtg,R/Mtg

Recording Fee : \$70.50

Recording Pages : 6

**Recorded Information**

State of New York

County of Rockland

I hereby certify that the within and foregoing was  
recorded in the Clerk's office for Rockland County,  
New York

On (Recorded Date) : 09/28/2009

At (Recorded Time) : 4:19:13 PM



Doc ID - 019788370008

  
Paul Piperato, County Clerk



This sheet constitutes the Clerk's endorsement required by Section 319 of Real Property Law of the State of New York

Entered By: PM Printed On: 10/06/2009 At: 4:20:42PM

File Number: 2009-00035292 Seq: 1

Page 2 of 6

Record & Return to:  
Lynda M. DeBell, Loan Administrator  
Empire State Certified Development Corporation  
60 Beaver Street (P.O. Box 738)  
Albany, New York 12207-0738

SBA-Loan No.: 36203550-07

**ASSIGNMENT OF MORTGAGE**

KNOW THAT EMPIRE STATE CERTIFIED DEVELOPMENT CORPORATION, a New York corporation having its principal place of business at 60 Beaver Street (P.O. Box 738), Albany, New York 12207-0738 (the "Assignor") and the U.S. SMALL BUSINESS ADMINISTRATION, an agency of the United States Government having district offices at 26 Federal Plaza #3100, New York, New York 10278, 137 South Elmwood Avenue, Suite 540, Buffalo, New York 14202 and 401 South Salina Street, 5<sup>th</sup> Floor, Syracuse, New York 13202 (the "Assignee");

In consideration of \$10.00, and other good and valuable consideration, receipt of which is hereby acknowledged,

The Assignor hereby assigns unto the Assignee a Mortgage (with Assignment of Leases and Rents) of even date herewith in the face amount of TWO MILLION FOUR HUNDRED NINETY THREE THOUSAND and 00/100 DOLLARS (\$2,493,900.00) on premises described at Schedule "A" attached hereto between 162 BROADWAY HAVERSTRAW NY LLC as Borrower and/or Assignor, and EMPIRE STATE CERTIFIED DEVELOPMENT CORPORATION, the Assignor herein as Mortgagee, which Mortgage is intended to be recorded with the ROCKLAND County Clerk immediately prior to the submission of this Assignment for recording. 2009-35291

TOGETHER, with the Note which the Mortgage referred to above secures, and all moneys due or to become due thereon with interest; and the Assignor herein covenants that there is now due and owing upon said Mortgage without offset or defense of any kind, the principal sum of TWO MILLION FOUR HUNDRED NINETY THREE THOUSAND and 00/100 DOLLARS (\$2,493,900.00) with interest thereon from the date of funding, upon the funding of Debenture No. 36203550-07.

TO HAVE AND TO HOLD the same unto the Assignee herein and to the successors, legal representatives and assigns of the Assignee herein forever.

IT BEING EXPRESSLY UNDERSTOOD AND AGREED that the Assignor herein covenants that the Assignee herein is not acting as a nominee of the Mortgagor, and that the Mortgage continues to serve as a bona fide obligation of the Mortgagor.

IN WITNESS WHEREOF, as of SEPTEMBER 17, 2009 the Assignor herein has duly executed and sworn to this Assignment.

EMPIRE STATE CERTIFIED  
DEVELOPMENT CORPORATION

By: Cedric A. Carter  
CEDRIC CARTER, VICE PRESIDENT

State of New York

ss:

County of Albany

On SEPTEMBER 17, 2009 before me, the undersigned, personally appeared CEDRIC CARTER, VICE PRESIDENT, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person on behalf of which the individual(s) acted, executed the instrument.

Leslie N. Proffitt  
Notary Public, State of New York  
No. 0246061310, Qualified in Rensselaer County  
Commission Expires July 16, 2011

**Schedule A Description**

Title Number AA-1001

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**Schedule A Description - continued**

Title Number AA-1001

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**Schedule A Description - continued**

Title Number AA-1001

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Continued On Next Page

**Schedule A Description - continued**

Title Number AA-1001

Page 4

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RUNNING THENCE North 69 degrees 24 feet 21 inches west, 22.76 feet along said northerly right of way line of Broadway;

RUNNING THENCE thru Lot 1 the following five (5) courses and distances:

1. North 49 degrees 06 feet 00 inches east, 226.14 feet;
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5. North 49 degrees 06 feet 00 inches east, 93.91 feet;

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